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TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

UNITED STATES OF AMERICA * CIVIL ACTION NO. 07-2186

VERSUS * JUDGE JAMES

LARRY WAYNE GIVENS and * MAGISTRATE JUDGE HAYES
KIMBERLEY OLIVO GIVENS

J U D G M E N T I N R E M

The Report and Recommendation of the Magistrate Judge having been considered, no objections thereto having been filed, and finding that same is supported by the law and the record in this matter,

IT IS ORDERED that the Motion for Default Judgment [Doc. No. 12] filed by the Plaintiff, United States of America ("the Government"), is GRANTED IN PART and DENIED IN PART. The Court finds that the Government failed to obtain proper service on Defendant Kimberley Olivio Givens, but that the Government is entitled to obtain a judgment in rem.

IT IS ORDERED, ADJUDGED AND DECREED that there be judgment in rem in favor of the Government and against Defendants Larry Wayne Givens and Kimberly Olivo Givens, for the balance of unpaid notes and accrued interest totaling \$514,956.93. Costs advanced to defendants to protect the secured property are recognized in the total amount of \$1,780.00. Post-judgment interest is awarded until the date of payment. 28 U.S.C. § 1961.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the foregoing sums presently due to the Government are secured by certain Real Estate Mortgages For

Louisiana, liens and privileges, as described below,

IMMOVABLE PROPERTY

TRACT 1:

The Northwest Quarter of the Northwest Quarter(NW/4 of NW/4); the Southwest Quarter of the Northwest Quarter (SW/4 of NW/4); the North One-half of the Southwest Quarter (N/2 of SW/4), Section 20, Township 13 North, Range 8 East, Franklin Parish, Louisiana, **LESS AND EXCEPT** the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW/4 of NW/4 of NW/4), Section 20, Township 13 North, Range 8 East, Franklin Parish, Louisiana.

Together with all buildings and improvements situated thereon, all rights, way and privileges thereunto belonging.

SUBJECT TO:

Right-of-Way to Louisiana Department of Highways, dated April 29, 1969, recorded in Conveyance Book 149, Page 400, records of Franklin Parish, Louisiana.

Right-of-Way to Louisiana Power & Light Co., dated June 20, 1969, recorded in Conveyance Book 150, Page 88, records of Franklin Parish, Louisiana.

Right-of-Way to Franklin Parish Police Jury, dated August 4, 1969, recorded in Conveyance Book 150, Page 127, records of Franklin Parish, Louisiana.

Right-of-Way to Louisiana Power & Light Co., dated July 15, 1969, recorded in Conveyance Book 151, Page 268, records of Franklin Parish, Louisiana.

Right-of-Way to Louisiana Power & Light Co., dated October 12, 1972, recorded in Conveyance Book 167, Page 7, records of Franklin Parish, Louisiana.

TRACT 2:

A certain tract of land located in the Northwest Quarter of the Southwest Quarter (NW/4 of SW/4), Section 4, Township 12

North, Range 7 East, Franklin Parish, Louisiana, more particularly described as follows, to-wit:

Commence at the Southwest corner of the Northwest Quarter of the Southwest Quarter (SW/c of NW/4 of SW/4), Section 4, T12N-R7E, and run in an Easterly direction along the South line of the Northwest Quarter of the Southwest Quarter (NW/4 of SW/4) of said Section 4, a distance of 441 feet to a 3/8" iron rod; thence turn a left deflection angle of 81 degrees, 32 minutes and run in a Northerly direction, a distance of 205.45 feet to a 3/8" iron rod; thence turn a left deflection angle of 98 degrees, 28 minutes and run in a Westerly direction parallel with the South line of the Northwest Quarter of the Southwest Quarter (NW/4 of SW/4), a distance of 461.80 feet to the West line of said Northwest Quarter of Southwest Quarter (NW/4 of SW/4); thence run in a Southerly direction along the West line of said Northwest Quarter of Southwest Quarter (NW/4 of SW/4), a distance of 203.2 feet back to the POINT OF BEGINNING, containing 2.06 acres, more or less.

Together with all buildings and improvements situated thereon, all rights, ways and privileges thereunto belonging.

MOVABLE PROPERTY

One (1) Pivot Irrigation System

One (1) 8" Submersible Pump

One (1) 4045T John Deere Power Unit, S.N. 17446

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the above-described property be seized and sold by the United States Marshal for the Western District of Louisiana, at public auction, without appraisal, for cash, to the highest bidder, and that the proceeds of said sale be deposited in the Registry of the Court and the prior lien holders, Winnsboro State Bank and Hibernia Bank, be paid by preference and priority over all other persons whomsoever, the amount of the claim with interest; next, the Government will be paid

the remaining balance. **That the amount realized from said sale be recognized as full satisfaction of the Judgment herein. The Government shall have no right to proceed against Defendants for any deficiency Judgment.**

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all-assessable court costs are awarded in favor of the Government.

MONROE, LOUISIANA, this 14 day of May, 2009



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE